

To be anticipatory, a cited reference must disclose all elements of the rejected claim. Wong does not teach the auxiliary device conducting two way communication of data with the electronic device, as recited in claim 1 of Applicants' invention. The Applicant agrees that Wong discloses an electronic device with equalized audio accessory and method for the same. However, it is respectfully submitted that the Examiner has misinterpreted the disclosure of Wong.

First of all, the numeral 220 in Wong does not refer to a digital signal processor (DSP) as suggested by the Examiner, but refers to memory residing on the auxiliary device. This is clearly stated in the disclosure, and it may be this fact that has led the Examiner to interpret the auxiliary device of Wong to be somehow capable of controlling the data transfer. (See col. 2, lines 52-57). The applicant submits, however, that the function of the auxiliary device of Wong is completely passive, as stated above, and the auxiliary device is in no way capable of two-way data communication. In fact, Figure 2 of Wong clearly shows that the data communication along the line 250 is only one-way, indicated by the arrowhead pointing to the interface 115 on the side of the radio 110, and by the lack of the arrowhead on the side of the accessory device 120.

Wong's reference to two-way communication is not the same as what is claimed by Applicants. The two-way communication of Wong refers to the radio communication via the antenna 140 (col. 2, lines 24-28), and has nothing to do with the auxiliary device. The "transmit and receive entries" stored in the memory of Wong (col. 3, lines 20-27) refer to parameters for the radio transmit and receive, and there is nothing disclosed about two-way data communication between the auxiliary device and the

terminal. Therefore, it is respectfully submitted that Wong does not disclose or suggest "two way communication of data" as claimed by Applicants. This aspect of two-way data communication is central in the applicant's invention (from page 9, line 1 to page 11, line 28, Tables 1-5), and Applicants submit that this feature of Applicants' invention is not disclosed or suggested by Wong.

Wong discloses a method in which a radio telephone device has access to the audio parameters of the auxiliary device. The parameters are stored on the auxiliary device in a memory block 220 directly readable by the interface 115 of the radiotelephone 110. The connection 250 between the memory 220 and the interface 115 is one-directional, as described in the disclosure (col. 2, lines 64-67, col. 3, lines 5-8). Expressions like "parameters ... are accessible by the radio" and "information from the memory is retrieved by the radio" are used in this context. Therefore, it must be clear to a person skilled in the art that the memory 220 is indeed read directly by the radio 110 without any control or such by the auxiliary device 120. The accessory circuitry 222 and the connection lines 240 are arranged merely to capture, produce and carry audio signals (col. 2, line 67 - col. 3, line 2).

The main objective of the present invention is to offer a method to attach a group of audio parameters to auxiliary devices such as a headset, personal computer, etc. (page 7, lines 1-3) of a mobile communications terminal (mobile telephone, mobile telecommunications card for a PC, etc.). These audio parameters describe the audio properties and capabilities of the auxiliary device and make it possible to adjust the audio path of the terminal in such a manner that it operates optimally with the

auxiliary device. Attaching the parameters may happen in at least these following two ways; by storing the audio parameters on the auxiliary device in a writable memory or by storing the parameters on the terminal and indicating to which auxiliary device they belong to (page 3, lines 25-32). The parameters are then loaded to the digital signal processor of the terminal, e.g., in response to the auxiliary device being connected to the terminal and after the identification has taken place (page 8, lines 34-38, page 11, lines 29-32, page 16, lines 1-4). The key issue in the first embodiment where the parameters are stored on the auxiliary device is that the terminal and the auxiliary device carry out a two-way data communication in the form of exchanging messages. This is widely described in the application (from page 9, line 1 to page 11, line 28, Tables 1-5).

Claim 1 of the present invention is not anticipated by Wong as all claim elements of claim 1 are not disclosed by Wong, since Wong does not teach anything about two-way data communication between the auxiliary device and the terminal. Therefore, the rejection of claim 1 should be overturned, and claim 1 allowed.

Claims 3-4 and 10-11 depend directly or indirectly from claim 1. As depending claims add further limitations to the claims they depend from, and claim 1 is allowable, the rejection of depending claims 3-4 and 10-11 should be reversed, and claims 3-4 and 10-11 should be allowed.

3. Claims 5-6 and 12-13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Wong. Wong does not teach communication means for loading the audio parameters into the means (22) for storing the audio parameters from the auxiliary device (11), and for conducting two way communication of data

with the auxiliary device (11), as recited in claim 5 of the above-application. Instead, Wong discloses that the connection 250 between the memory 220 and the interface 115 is one-directional. Since the claim element of two-way data communication between the auxiliary device and the terminal is not taught in Wong, claim 5 should be allowed. Further, for at least the above reasons as stated with respect to claim 1, the rejection of claim 5 should be reversed, and claim 5 allowed. Since claims 6 and 12-13 depend directly or indirectly from claim 5, the rejection of claims 6 and 12-13 should be reversed, and claims 6 and 12-13 allowed.

4. In the Office Action, claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of U.S. Patent No. 5,797,102 to Hallikainen et al. ("Hallikainen"). While claim 9 is not listed in the heading in section 5 of the Office Action, claim 9 is discussed in section 5, and therefore is assumed to have been rejected under 35 U.S.C. §103(a), as stated above.

U.S. Patent No. 5,797,102 to Hallikainen is not prior art to the present application under U.S.C. § 103(c). The subject matter and the claimed invention of Hallikainen and the present application were, at the time the invention was made, subject to an obligation of assignment to the same person. Moreover, the subject matter of Hallikainen was developed by another person, and qualifies as prior art only under subsection 35 U.S.C. §102(e). Hallikainen was issued on Aug. 18, 1998, and the present application has a priority date of February 6, 1998. Therefore, since Wong does not disclose or suggest Applicants' invention, claims 7, 8 and 9 should be allowed.

Further, Hallikainen discloses adjusting the audio level (the volume or the "amplification parameters") on the basis of a signal received from the auxiliary device (see, e.g., claim 1, and page 3, lines 8-11). The identification of the auxiliary device is based on essentially measuring the voltage of the hook-line (page 3, lines 24-35), and there is nothing disclosed of a "two-way data communication". Since claims 7-8 depend from claim 5, and claim 5 is allowable for at least the above reasons, the rejection of claims 7 and 8 should be reversed, and claims 7 and 8 allowed.

Furthermore, claim 9 depends indirectly from claim 5, and as claim 5 is allowable, claim 9 should also be allowable.

5. Claims 14, 16-17, 23-24, and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of U.S. Patent No. 5,418,837 to Johansson et al. ("Johansson").

Neither Wong nor Johansson teach or suggest wherein at least some of the audio parameters are loaded into the digital signal processor during operation of the electronic device from a writable mass storage separate from said processor, said writable mass storage being disposed within the electronic device, as recited in claim 14 of the present application. Instead, referring to Fig. 1B, Johansson discloses a memory 15' disposed within the auxiliary device (the sum card), not within the electronic device, as recited in claim 14.

Further, referring to Fig. 2, Wong discloses a memory within the digital signal processor, not separate from said processor, as recited in claim 14 of the present invention. Since neither Wong nor Johansson teach or suggest a method for setting audio

parameters, wherein at least some of the audio parameters are loaded into the digital signal processor during operation of the electronic device from a writable mass storage separate from said processor, said writable mass storage being disposed within the electronic device, their combination cannot do so.

Johansson discloses a method, wherein the programs stored in the writable memory 15 of the mobile telephone can be replaced by new versions of those programs by loading them from an external data card 22 (col. 3, lines 34-46). Johansson appears to have been cited to show that memory inside a mobile terminal was known at the time of the filing of the application at hand. In contrast, the claimed invention discloses a method for setting audio parameters, wherein at least some of the audio parameters are loaded into the digital signal processor during operation of the electronic device from a writable mass storage separate from said processor, said writable mass storage being disposed within the electronic device, as recited in claim 14 of the present application.

Therefore, the rejection of claim 14 should be reversed, and claim 14 allowed. Since claims 16-17, 23-24 and 27 depend directly or indirectly from claim 14, they should also be allowed.

6. Claims 18-19, 26 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Johansson.

Neither Wong nor Johansson teach or suggest wherein the electronic device comprises further means for loading the audio parameters into the means for storing the audio parameters from a writable mass storage separate from said processor, said writable mass storage being disposed within the electronic

device, as recited in claim 18. Instead, referring to Fig. 1B, Johansson discloses a memory 15' disposed within the auxiliary device (the sum card), not within the electronic device, as recited in claim 14. Further, referring to Fig. 2, Wong discloses a memory within the digital signal processor, not separate from said processor, as recited in claim 14 of the present invention. Since neither Wong nor Johansson teach or suggest a writable mass storage separate from said processor, said writable mass storage being disposed within the electronic device, their combination cannot do so.

Therefore, the rejection of claim 18 should be reversed, and claim 18 allowed. Since claims 19, 26 and 28 depend directly or indirectly from claim 18, they should also be allowed.

7. Claims 20 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Johansson and further in view of Hallikainen. As stated in section 4 of the present response, Hallikainen is not prior art under 35 U.S.C. §103(c) to the present application, and therefore claims 20 and 21 should be allowed.

In addition, the identification of the auxiliary device is based on essentially measuring the voltage of the hook-line (page 3, lines 24-35). Since claims 20 and 21 depend from claim 18, and claim 18 is allowable since neither Wong nor Johansson teach or suggest a writable mass storage separate from said processor, said writable mass storage being disposed within the electronic device, their combination cannot do so, claims 20 and 21 should be allowed.

8. Claims 29 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Johansson.

Claim 29 depends from claim 1, claim 30 depends from claim 5, and therefore, as claims 1 and 5 are allowable for at least the above reasons, the rejection of claims 29 and 30 should be reversed, and claims 29 and 30 be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims, 1-14 and 16-30, now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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